

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIAM J. WHITSITT,
Plaintiff,

v.

WEST VALLEY STAFFING GROUP, et
al.,
Defendants.

Case No. [16-cv-00797-MMC](#)

**ORDER DIRECTING DEFENDANTS TO
MANUALLY SERVE PRO SE
PLAINTIFF; SETTING SERVICE AND
BRIEFING SCHEDULE; CONTINUING
HEARING AND CASE MANAGEMENT
CONFERENCE**

On September 21, 2016, defendant Tesla Motors, Inc. ("Tesla") filed a motion to dismiss plaintiff's complaint and a request for judicial notice in support thereof. On September 26, 2016, the above-titled action was reassigned to the undersigned. On September 28, 2016, Tesla renoticed its motion for hearing on November 4, 2016.

The record does not indicate, however, that Tesla manually served its motion, request for judicial notice, or renote on plaintiff, who is appearing pro se. See Civil L.R. 5-1(b) ("Parties represented by counsel in a case involving a pro se party must file documents electronically and serve them manually on the pro se party unless the pro se party has been granted permission to become an ECF user.").¹

Accordingly, the following service and briefing schedule shall apply:

1. No later than October 4, 2016, Tesla shall manually serve upon plaintiff copies of its motion to dismiss, request for judicial notice, and renote of its motion;

¹ Plaintiff has not moved for permission to become an ECF user in this case, and thus no order has been issued by an assigned judge granting such permission. See Civil L.R. 5-1(b) (permitting pro se party to become ECF user if said party "moves for and is granted permission by the assigned judge" to do so).

1 additionally, Tesla shall, within four days of effectuating service, file proof thereof.

2 2. No later than October 21, 2016, plaintiff shall file and serve his opposition to
3 Tesla's motion to dismiss.


4 3. No later than October 28, 2016, Tesla shall file and serve any reply.

5 4. The hearing on Tesla's motion to dismiss is hereby CONTINUED to
6 November 18, 2016.

7 In light of the above, the Case Management Conference is hereby CONTINUED to
8 February 17, 2017.

9
10 **IT IS SO ORDERED.**

11
12 Dated: September 30, 2016


MAXINE M. CHESNEY
United States District Judge

United States District Court
Northern District of California